

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAY STRAUSS

Plaintiff

vs.

COUNTY OF BERKS;
ERIC J. WEAKNECHT, SHERIFF;
DEPUTY SHERIFF JACKSON; and
DEPUTY SHERIFF RICE

Defendants

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CIVIL ACTION NO. 10-3581

ORDER

AND NOW, this 24th day of May, 2011, upon consideration of the Motion for Summary Judgment of Defendants Berks County, Berks County Sheriff Eric Weaknecht, Deputy Sheriff Michael Jackson and Deputy Sheriff Ken Rice (Docket No. 19)¹ filed April 11, 2011; upon consideration of Plaintiff's Brief Opposing the Motion for Summary Judgment of Defendants County of Berks, Eric Weaknecht, Sheriff, Deputy Sheriff Jackson, and Deputy Sheriff Rice (Docket No. 20-1) filed April 21, 2011;² and for the reasons expressed in the foregoing Memorandum Opinion,

IT IS ORDERED that defendants' motion for summary judgment is **GRANTED** in part and **DENIED** in part.

IT IS FURTHER ORDERED that the motion is **DENIED** as to Count I.

¹ Defendants' Berks County, Berks County Sheriff Eric Weaknecht, Deputy Sheriff Michael Jackson and Deputy Sheriff Ken Rice's Memorandum of Law in Support of Their Motion for Summary Judgment; Statement of Undisputed Facts; and Exhibits A-D were filed simultaneously with their motion.

² Plaintiff's Reply to Defendants' "Statement of Undisputed Facts" Contra Defendants' Motion for Summary Judgment and Exhibits P1-P6 were filed simultaneously with his brief in opposition.

IT IS FURTHER ORDERED that the motion is **GRANTED** as to Count II.

IT IS FURTHER ORDERED that the motion is **DENIED** as to Count III.

IT IS FURTHER ORDERED that defendants Deputy Sheriff Jackson and Deputy Sheriff Rice are not entitled to qualified immunity.

BY THE COURT:

/s/ Henry S. Perkin
HENRY S. PERKIN,
United States Magistrate Judge